

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Hearing Date: February 4, 2015
Hearing Time: 12:00 p.m.

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In re:

Chapter 11

ADVANCED CHIMNEY INC.,

Case No. 14-73667 (AST)

Debtor.
-----X

**NOTICE OF HEARING TO CONSIDER APPLICATION FOR
ALLOWANCE OF INTERIM COMPENSATION OF PROFESSIONALS**

PLEASE TAKE NOTICE, that a hearing will be held before the Honorable Alan S. Trust, United States Bankruptcy Judge, at the United States Bankruptcy Court, Long Island Federal Courthouse, 290 Federal Plaza, Courtroom 960, Central Islip, New York on **February 4, 2015 at 12:00 p.m.**, or as soon thereafter as counsel can be heard, to consider the following interim fee application (the "Application") of certain professionals retained by the Debtor as follows:

WESIMAN & COMPANY, C.P.A., *Debtor's Accountants*

Accounting fee as accountants for the Debtors.....	\$17,091.25
Disbursements.....	\$0.00
Total	\$17,091.25

PLEASE TAKE FURTHER NOTICE, those complete copies of the aforementioned Application are on file with the Clerk of the Court and will be also be available through the Court's electronic docket (www.nyeb.uscourts.gov) through the PACER/ECF system.

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the Application must be (i) made in writing; (ii) electronically filed with the Court; (iii) mailed to the Chamber of the Honorable Alan S. Trust, United States Bankruptcy Judge, 290 Federal Plaza, Central Islip, New York 11722; (iii) mailed to Macco & Stern, LLP, 135 Pinelawn Road, Suite 120 South, Melville,

New York 11747; and (iv) mailed to the Office of the United States Trustee, so as to be received no later than **February 2, 2015**.

Dated: Melville, New York
December 11, 2014


MACCO & STERN, LLP
Attorneys for the Debtor

By: _____

Michael J. Macco
A Member of the Firm
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

Lanny J. Weisman, CPA
170 North Country Road, Ste. 2
Port Jefferson, NY 11777
(631) 331-1111

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

-----X
In re:

ADVANCED CHIMNEY, INC.

Debtor.

-----X

Chapter 11
Case No.: 8-14-73667-ast

APPLICATION FOR INTERIM
ALLOWANCES FOR DEBTOR'S
ACCOUNTING SERVICES

**TO: THE HONORABLE ALAN S. TRUST
UNITED STATES BANKRUPTCY JUDGE**

As the Accountant for the Debtor herein, Weisman & Company, C.P.A. respectfully moves this court for an allowance of compensation for services rendered, and represents as follows:

INTRODUCTION

- 1 – Lanny J. Weisman is a member of the firm of Weisman & Company, C.P.A.
- 2 – All of the professional services for which compensation is requested were rendered in connection with this case.
- 3 – No services for which compensation is requested were rendered on behalf of any person, persons or entities other than the Debtor herein.
- 4 – In order to clearly inform the Court of the extent, detail and complexity of services rendered, and for the Court to have an overall picture of Applicant's activities on behalf of the Debtor, Applicant has set forth the details of the services of this firm in summary fashion. It is intended that this application will merely supplement the Courts own knowledge of this case and should not be considered an itemized statement of Applicant's services.
- 5 – Applicant makes this application for allowances of reasonable compensation for the professional services rendered by this firm as Accountants of the Debtor in this proceeding.

6 – The professional services for which allowances are sought by Applicant were rendered by Weisman & Company, C.P.A., Accountants for the Debtor and on their behalf.

7 – Since the time Weisman & Company, C.P.A. was requested to undertake and represent the Debtor, and pursuant to a written retainer agreement, it was agreed that an hourly rate of \$275.00 would be charged for each hour of services rendered by members of the firm, \$165.00 for each hour of services rendered by associate accountants of the firm and \$105.00 for each hour of clerical time rendered. It was further contemplated that additional fees and costs would certainly be due to Weisman & Company, C.P.A. as the case progressed, but that any subsequent payments would be paid by the Debtor to the firm only after proper application for allowances to the Bankruptcy Court.

8 – Applicant has prepared records of its time in the rendition of all professional services that were required on behalf of the Debtor. The firm's time records conform with the performance of the professional services rendered and those records attached to this application as Exhibit "A".

9 – Applicant has brought his experience and knowledge to this action, which was necessary in providing adequate accounting to the Debtor. Whenever possible, associate time was used for certain services to keep billable hours to a minimum and all associate work was performed under the supervision of Applicant.

10 – The services for which compensation is sought herein were substantially performed by Lanny J. Weisman, CPA and associate accountant Maria Scalabrino, CPA.

11 – The Court should be advised that while the following information is an overview of what transpired in this case, the information is only intended to be brief and explanatory while not burdening the Court with the day to day details of the case.

12 – The notice of hearing on this fee application was duly served on all known creditors and parties in interest including the United States Trustee, as more fully set forth in the annexed affidavit of service.

Background Information

13 – The Debtor is a New York corporation primarily engaged in business as a chimney maintenance and repair company.

14 – On August 07, 2014 the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §101 et seq. (“Bankruptcy Code”).

15 – The Debtor operates its business from certain leased premises at 710-1 Union Parkway, Ronkonkoma, NY.

16 – The company was successful and profitable for many years prior to filing for bankruptcy protection.

17 – The primary reason the Debtor required the protection of the Bankruptcy Court was due to certain alleged actions and omissions of the Debtor’s prior accountant caused by his mishandling of an issue with the taxing authorities that caused the assessment of a tax liability of several hundred thousand dollars that the Debtor maintains was not appropriate or warranted under the circumstances.

SUMMARY

18 – With Applicant’s accounting and guidance, Advanced Chimney, Inc. has been engaged in a process of aggressively trying to resolve issues with the taxing authorities. Applicant anticipates that the Debtor’s first Amended Chapter 11 Plan will prove feasible and allow Advanced Chimney, Inc. to continue to operate its business.

19 – Applicant’s efforts have greatly improved the Debtor’s financial condition and the net benefit to the Debtor has been substantial. The approaching final results of this case have been accomplished without significant prejudice to the numerous creditors.

20 – This case has been labor intensive and time consuming to date as numerous office and telephone conferences with the Debtor, his attorneys and in house accounting staff was necessary to achieve the results as successfully as has been managed in the case. The applicant has been intensely involved in the monthly accounting responsibilities such as account

reconciliation and analysis and preparation of the required operating reports required to be filed with the court. Applicant has analyzed creditor's claims for accuracy, reviewed and negotiated with various taxing authorities as well as having prepared various budgets, projections and feasibility studies.

21 – Applicant respectfully submits that the time records provided by Weisman & Company, C.P.A. demonstrate an accurate representation of the time expended in this matter. However, due to the duration and complexity of this case certain correspondence and telephone communications are not necessarily reflected in the time records. Actual time expended in this case therefore, exceeds the time reflected in the time records annexed hereto, but no request for this additional compensation is sought for these unrecorded hours. It is submitted that based on the anticipated successful results obtained by Applicant on behalf of the Debtor and together with the duration and expenses of this case, that the amount requested by Applicant is very reasonable and that the time records reflect work, labor and services rendered in a timely and efficient manner.

22 – Applicant anticipates that the firm will expend numerous additional hours subsequent to the hearing on this fee application and that a supplemental application, if necessary, will be filed before this case is closed. Anticipated future services include, but are not limited to monthly operating reports, budgets and cash flow planning and tax issues. Applicant has reviewed the time and disbursement records with the Debtor. The Debtor has no objection to the results obtained in the case by Weisman & Company, C.P.A. thus far and have expressed their complete satisfaction with the representation provided by this firm to date. Debtor has agreed that Applicant should at this time receive full reimbursement of all disbursements and full payment for all time expended in this matter to date. Debtor believes that the amount of compensation due to Weisman & Company, C.P.A. for the accounting fees portion of the bill is properly set forth in the time records, and that sum properly reflects the actual sum due and owing

to Weisman & Company, C.P.A. Both the Debtor and Applicant believe payment of the full outstanding amount at this time will not place an undue burden on the Debtor.

23 – Based on the foregoing, Applicant requests on behalf of the firm an interim allowance of accounting fees in the sum of \$17,091.25 for services rendered as being reasonable and necessary given the services provided and the net results achieved in this matter to day.

WHEREFORE, Applicant respectfully requests that this Court enter an Order awarding accounting fees to Weisman & Company, C.P.A., Accountant for the Debtor for services rendered in the sum of \$17,091.25 together with such other and further relief as this Court deems just and proper under the circumstances.

Dated: Port Jefferson, New York
December 8, 2014

Weisman & Company, CPA
Accountant for Debtors



By: Lanny J. Weisman, CPA
170 North Country Rd, Ste 2
Port Jefferson, NY 11777

Weisman + Co., C.P.A.**EXHIBIT A****Schedule Of Time Billing****Page 1****Advanced Chimney, Inc.**

Chapter 11

Case # 8-14-73667-ast

Date	Work Performed	PARTNER HOURS	STAFF HOURS
08/07/14	Assist in Gathering Audit info/ansering,call to client, etc		0.75
08/07/14	Workman Comp Audit	1.75	
08/10/14	Workman Comp Audit	0.50	
08/11/14	Meeting at client	3.00	
08/12/14	Workman Comp Audit	3.00	
08/12/14	Help with audit gathering info,went on line to easypay,emails withr		
08/12/14	Peter,calls w/auditor		0.75
08/13/14	Workman Comp Audit	0.50	
08/18/14	Workman Comp Audit	0.25	
08/18/14	Monthly Visit,work and file sales tax whil there		5.50
08/20/14	Workman Comp Audit	0.25	
08/20/14	Look in FC form items requested by client and scan & email to client		1.50
	August Sub Total:	9.25	8.50
09/03/14	Bankruptcy related-emails,phone calls,print guidelines,send to FC,		0.75
09/04/14	Bankruptcy-Search for updated version of execl mor,email to att.		0.50
09/08/14	Telephone call with Laura re W/C	0.10	
09/10/14	Gather/copy support to give back,prep for visit and bankruptcy wk		0.25
09/11/14	Monthly work		5.00
09/13/14	Monthly work		2.25
09/14/14	Loading new QB file and pronting		0.25
09/16/14	Work on aug W/U adjustments/reclasses		1.50
09/17/14	Monthly Work	0.25	
09/17/14	Monthly Sales Tax Return		1.25
09/17/14	Bankruptcy Package		3.75
09/18/14	Bankruptcy Work	0.50	
09/18/14	Bankruptcy Package		2.25
09/19/04	Bankruptcy Package,Emasil to Macco		2.00
09/22/14	WC Audit		1.00
09/23/14	WC Audit		4.00
09/24/14	WC Audit		2.75
09/26/14	WC Audit		0.75
09/27/14	Workman Comp Audit	0.50	
09/29/14	Misc Work for Client		0.25
09/30/14	Workman Comp Audit	0.50	
	September SUB TOTAL:	1.85	28.50
10/02/14	Look for/Downloand 1099 info and email to client &Adp		0.50

Weisman + Co., C.P.A.**EXHIBIT A****Schedule Of Time Billing****Page 2****Advanced Chimney, Inc.**

Chapter 11

Case # 8-14-73667-ast

Date	Work Performed	PARTNER HOURS	STAFF HOURS
10/03/14	Downloan 1099 info from Apd email to client		0.25
10/03/14	Printout items needed to load July & Aug into CSA		1.00
10/08/14	Load July & Aug onto CSA, Make Acct File copy, prep Ct sales tax return, print & Set up sept payroll wrksheets & copy items not previously scanned etc		3.75
			2.00
10/10/14	Merege QB files and make new copies, work on sept bank recs		4.50
10/14/14	Finish filed work for Sept, For Chimney & Sales Tax, Bankruptcy Gatherings, Etc		3.00
10/15/14	Load Latest QB File, File monthly sales tax		1.00
10/16/14	Bankruptcy -start print out items needed for MOR package proforma execl sheet for bankruptcy, start work		2.75
10/16/14	Meeting with Maria to review Bankruptcy Work	1.00	
10/18/14	Bankruptcy-Finalize work on Sept MOR Package		2.50
10/27/14	Emails with auditor, call to client		0.75
10/31/14	Enter Sep in Csa, Copy/Scan originals		2.25
	October SUB TOTAL	1.00	24.25
11/03/14	Review prelm audit sheets from clients, email back with corrections		1.25
11/06/14	Work on new audit package, download 941's		2.00
11/07/14	Work on audit pacakges		2.00
11/10/14	Final audit gatherings & email to auditor		0.75
11/12/14	Vist to client-October work		4.00
11/14/14	Finish field wotk for October, Collect items for Bankruptcy		2.50
11/17/14	Load new QB file, file sales tax return online, Cont. with Oct work		3.50
11/18/14	Bankruptcy Package		3.25
11/19/14	Finalize bankruptcy package for Oct, Scan & email package to Macco		2.00
11/21/14	Create acct change file for next visit, load info into CSA		1.75
	November SUB TOTAL		23.00
	TOTAL HOURS:	11.60	84.25
	HOURLY BILLING RATES:	\$275.00	\$165.00
	TOTAL BILLABLE:	\$3,190.00	\$13,901.25
	BALANCE DUE:	\$17,091.25	

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

Advanced Chimney, Inc.

Case No.: 14-73667-ast
Chapter 11

Debtor,
-----X

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)
COUNTY OF SUFFOLK) ss.:

Carol Smith, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at West Islip, New York.

On December 12, 2014, deponent served true copies of the following:

NOTICE OF HEARING TO CONSIDER APPLICATION FOR
ALLOWANCE OF INTERIM COMPENSATION OF PROFESSIONALS

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid properly addresses wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office U.S. Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722*

See Annexed Service List


Carol Smith

Sworn to before me this
12th day of December, 2014

/s/ Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2017

Label Matrix for local noticing
0207-8
Case 8-14-73667-ast
Eastern District of New York
Central Islip
Thu Dec 11 16:55:47 EST 2014

290 Federal Plaza
Central Islip, NY 11722-4437

Bare Bones Realty LLC
20 Trailblazer Court
Holbrook, NY 11741-2724

Cozen O'Conner
45 Broadway
16th Floor
New York, NY 10006-3751

Faroud Neezamooddeen
147 Highland Place
Brooklyn, NY 11208-1222

Gertzman, Lefkowitz &
Burman
80 Broad St.
16th Floor
New York, NY 10004-2209

Hibu Inc f/k/a Yellowbook Inc
c/o RMS Bankruptcy Recovery Services
P.O. Box 5126
Timonium, MD 21094-5126

Liberty Mutual Insurance
Company
5050 W. Tilghman St.
Suite 200
Allentown, PA 18104-9154

Migdalia Rivera
13 South 12th Ave.
Mount Vernon, NY 10550-2912

State Farm Fire and
Casualty Company
100 State Farm Place
Ballston Spa, NY 12020-3722

Advanced Chimney, Inc.
710-1 Union Parkway
Ronkonkoma, NY 11779-7428

408 East 73 Street
Housing Corp
408 East 73rd St.
New York, NY 10021-3851

Carman, Callahan &
Ingham, LLP
266 Main Street
Farmingdale, NY 11735-2618

Direct Advantage
Tri-State Media Direct
PO Box 932
Deer Park, NY 11729-0932

Faroud Neezamooddeen
Mallilo & Grossman Esqs
attn: Jack Grossman Esq
163-09 Northern Blvd
Flushing NY 11358-2660

Greater NY Mutual Ins Comp
c/o Gwertzman Lefkowitz et al
80 Broad Street 16th floor
New York NY 10004-2209

Law Offices of
Stuart D. Markowitz, P.C.
575 Jericho Turnpike
Suite 210
Jericho, NY 11753-1847

Lifetime Chimney Supply
132 Dupont Street
Plainview, NY 11803-1603

NY State Dept of Labor
State Office Campus
Bldg 12 Room #256
Albany NY 12240-0001

State Farm Fire and
Casualty Company
2702 Ireland Grove Road
Bloomington, IL 61709-0001

Weisman & Company, C.P.A.
170 North Country Road, Suite 2
Port Jefferson, NY 11777-2606

American Home Assurance Company
Ryan G. Foley, Authorized Representative
175 Water Street, 15th Floor
New York, New York 10038-4918
Court Claim Number: (If known)
Telephone number: (973) 402-2841

CastlePoint Insurance Co.
120 Broadway
30th Floor
New York, NY 10271-3000

Douglas Derksen
35 Terrace Lane
Patchogue, NY 11772-2146

Final Demand Department
2201 Renaissance Blvd
King of Prussia, PA 19406-2707

Greater New York Mutual
Insurance Company
200 Madison Avenue
New York, NY 10016-3901

Liberty Mutual Group, Inc
175 Berkeley Street
Boston, MA 02116-3350

Mallilo & Grossman
163-09 Northern Boulevard
Flushing, NY 11358-2660

State Farm Fire and
Casualty Company
1 State Farm Plaza
Bloomington, IL 61710-0001

State Farm Fire and Casualty Company
Robert W. Phelan, Esq.
45 Broadway, Suite 1600
New York, NY 10006-3007

Steven Sherman
735 Decatur Street
Brooklyn, NY 11233-2014

Suzanne Agurkis
60 Marlboro Road
Valley Stream, NY 11581-3326

The Norych Group Inc.
210 N University Drive
Suite 802
Coral Springs, FL 33071-7320

Tri State Media Direct, LLC
d/b/a Direct Advantage Magazine
PO Box 932
Deer Park, NY 11729-0932

United States Trustee
Long Island Federal Courthouse
560 Federal Plaza - Room 560
Central Islip, NY 11722-4456

Wanda D. Queen
20 Maplewood Road
Hartsdale, NY 10530-1624

Wenig & Wenig, Esqs.
150 Broadway
Suite 911
New York, NY 10038-4395

hibu Inc. - Mid-Atlantic
PO Box 11815
Newark, NJ 07101-8115

Michael J Macco
Macco & Stern LLP
135 Pinelawn Road
Suite 120 South
Melville, NY 11747-3153

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